

## **EXHIBIT 9**

1           1                   IN THE UNITED STATES DISTRICT COURT  
2           2                   NORTHERN DISTRICT OF ILLINOIS  
3           3                   EASTERN DIVISION  
4           4   DOROTHY FORTH, DONNA BAILEY, )  
5           5   LISA BULLARD, RICARDO                 )  
6           6   GONZALES, CYNTHIA RUSSO,             )  
7           7   TROY TERMINE, INTERNATIONAL         )  
8           8   BROTHERHOOD OF ELECTRICAL            )  
9           9   WORKERS LOCAL 38 HEALTH AND          )  
10          10   UNION OF OPERATING ENGINEERS        )  
11          11   LOCAL 295-295C WELFARE FUND,         )  
12          12   AND STEAMFITTERS FUND LOCAL         )  
13          13   439, on Behalf of Themselves         )  
14          14   and All Others Similarly             )  
15          15   Situated,                                 )  
16          16                                 Plaintiffs,         ) Civil No.  
17          17                                 vs.                         ) 17-cv-02246  
18          18   WALGREEN CO.,                                 )  
19          19                                 Defendant.         )  
20          20                                 The videotaped deposition of LISA  
21          21   BULLARD, called as a witness for examination,  
22          22   taken pursuant to the Federal Rules of Civil  
23          23   Procedure of the United States District Courts  
24          24   pertaining to the taking of depositions, taken  
25

1       1     before ANDREA L. KIM, a Certified Shorthand  
2       2     Reporter of said state, CSR No. 84-3722, at Suite  
3       3     3000, 150 South Wacker Drive, Chicago, Illinois,  
4       4     on the 7th day of February, A.D. 2019, at 9:30  
5       5     a.m.

6       6

7       7     PRESENT:

8       8

9               9             TUSA P.C.,  
10       10            (P.O. Box 566,  
11       11            Southold, New York 11971  
12       12            631-407-5100), by:

13       13            MR. JOSEPH S. TUSA,  
14       14            joseph.tusapc@gmail.com,

15       15            -and-

16       16            SCOTT + SCOTT, ATTORNEYS AT LAW, LLP,  
17       17            (230 Park Avenue, 17th Floor,  
18       18            New York, New York 10169  
19       19            212-223-6444), by:

20       20            MR. JOSEPH P. GUGLIELMO,  
21       21            jguglielmo@scott-scott.com,

22       22                       appeared on behalf of the Plaintiffs;

23       23

24       24

25

1           1           Q.     Do you have any physical or mental  
2           2           impairments that might affect your testimony?

3           3           A.     No.

4           4           Q.     Do you have any memory issues that  
5           5           might affect your ability to testify today?

6           6           A.     No.

7           7           Q.     Have you ever been involved in any  
8           8           lawsuits before?

9           9           A.     No.

10          10          MR. TUSA:  Objection to form.  That's okay.

11          11          BY MR. LEIB:

12          12          Q.     Have you ever been convicted of any  
13          13          crime?

14          14          A.     No.

15          15          Q.     How did you prepare for this  
16          16          deposition?

17          17          MR. TUSA:  I counsel you in answering  
18          18          counsel's question just not to disclose the  
19          19          substance of content of your conversations with  
20          20          counsel, but otherwise you may answer.

21          21          BY THE WITNESS:

22          22          A.     I spoke with my lawyers.

23          23          BY MR. LEIB:

24          24          Q.     Did you meet in person with your  
25

1 1 lawyers?

2 2 A. I did.

3 3 Q. How many times?

4 4 A. Oh, gosh, I just met Joe -- well, both  
5 5 of you I just met. So once -- once that we  
6 6 physically -- excuse me -- once.

7 7 Q. Was that yesterday?

8 8 A. Oh, I see where you are going. All  
9 9 right. I am a little confused.

10 10 Once in New York, and then again in  
11 11 Chicago. So twice.

12 12 Q. When did you meet in New York?

13 13 A. On -- what is today's date?

14 14 MR. TUSA: Today is Thursday the 7th.

15 15 BY THE WITNESS:

16 16 A. So Tuesday.

17 17 BY MR. LEIB:

18 18 Q. And when did you meet in Chicago?

19 19 A. Wednesday.

20 20 MR. TUSA: No. I'm sorry.

21 21 BY THE WITNESS:

22 22 A. I'm sorry. I am a little confused and  
23 23 nervous.

24 24

25

1 1 BY MR. LEIB:

2 2 Q. Just relax.

3 3 A. Just give me a moment.

4 4 Q. So let's --

5 5 A. I took the train down from Providence  
6 6 to New York Monday, and I am thinking I met with  
7 7 my attorneys Tuesday which would have been the  
8 8 5th in New York.

9 9 Q. Okay.

10 10 A. And then again Wednesday which was  
11 11 yesterday and then today. So three times.

12 12 Q. And where did you meet with them  
13 13 yesterday?

14 14 A. In -- in -- we flew in yesterday. So  
15 15 New York, Chicago, both places.

16 16 Q. All right. Let's start with Tuesday.  
17 17 How long did you meet with counsel on  
18 18 Tuesday?

19 19 A. When I was in their office, I forgot  
20 20 what time I got there. I don't remember right  
21 21 now. I'm sorry. I don't remember.

22 22 Q. Would you say it was for more than one  
23 23 hour?

24 24 A. Yes.

25

1       1           Q.     Would you say it was more than three  
2       2     hours?

3       3           A.     It was about three to four hours.

4       4           Q.     And on Wednesday when you flew to  
5       5     Chicago together, did you meet prior to flying in  
6       6     order to prepare for your deposition?

7       7           A.     We met at the airport.

8       8           Q.     And then when you arrived yesterday,  
9       9     did you have any preparation sessions with your  
10      10    lawyer?

11     11          A.     Yes.

12     12          Q.     And how long did that last?

13     13          A.     I would say about an hour.

14     14          Q.     In your session on Tuesday, was anyone  
15     15    present other than your lawyers?

16     16          A.     No.

17     17          Q.     And were the two -- were the lawyers  
18     18    you met with on Tuesday the two lawyers that are  
19     19    here today?

20     20          A.     Yes.

21     21          Q.     And when you met with your lawyers on  
22     22    Wednesday, yesterday, was there anyone present  
23     23    who was not a lawyer?

24     24          A.     No. Well, me, no.

25

1           1           Q.     Other than you.

2           2                     On Tuesday did you look at any  
3           3 documents with your lawyers?

4           4           A.     Yes.

5           5           Q.     Did those documents refresh your  
6           6 recollection?

7           7           A.     It did.

8           8           Q.     Do you remember what documents you  
9           9 looked at?

10          10          A.     It was the complaint against  
11          11 Walgreens.

12          12          Q.     Any other documents?

13          13          A.     I don't recall. I don't recall.

14          14          Q.     You may have. You are just not sure?

15          15          A.     I'd like to say it was all -- only the  
16          16 complaint because it was all inclusive, but I  
17          17 would say the complaint only.

18          18          Q.     And yesterday did you review any  
19          19 documents?

20          20          A.     The complaint.

21          21          Q.     Any other documents?

22          22          A.     Not that I can recall.

23          23          Q.     Did you talk on the phone with your  
24          24 lawyers to prepare for the deposition? And I  
25



1       1       don't mean scheduling the deposition. I mean  
2       2       preparing for it.

3       3             A.       No, no.

4       4             Q.       So the only two meetings that you had  
5       5       to prepare for your deposition were on Tuesday  
6       6       and Wednesday?

7       7             A.       Correct.

8       8             Q.       Did you speak with anybody about this  
9       9       deposition other than your two lawyers?

10      10            MR. TUSA: I will let you answer yes or no.

11      11            BY THE WITNESS:

12      12            A.       Yes.

13      13            BY MR. LEIB:

14      14            Q.       And who was that?

15      15            A.       My husband only.

16      16            Q.       And what's your husband's name?

17      17            A.       Robert Giglio, G-I-G-L-I-O.

18      18            Q.       And other than logistics such as I am  
19      19       going to a deposition and I am taking a flight at  
20      20       this time, I am not asking about those sort of  
21      21       conversations, but did you have any conversations  
22      22       with your husband about the substance of the  
23      23       allegations of the complaint?

24      24            MR. TUSA: Again, I will let you answer yes  
25

1       1     under advisement when we receive it.

2       2     BY MR. LEIB:

3       3             Q.     Do you understand that if this case  
4       4     goes to trial, that the trial will be here in  
5       5     Chicago?

6       6             A.     Yes.

7       7             Q.     Do you intend to attend the trial if  
8       8     your lawyers ask you to?

9       9             A.     Yes.

10      10            Q.     Do you know why you filed this  
11      11     lawsuit?

12      12            A.     I filed this lawsuit with my attorneys  
13      13     because Walgreens seemed to be overcharging me  
14      14     and others.

15      15            Q.     And how do you believe Walgreens is  
16      16     overcharging you and others?

17      17            A.     Well, the charges I saw for me were  
18      18     the same as for people -- no, excuse me, excuse  
19      19     me. The charges I saw for me were higher, higher  
20      20     than others who did not have insurance. I have  
21      21     insurance. I have Medicare insurance. That's  
22      22     it.

23      23            Q.     Do you understand that you are seeking  
24      24     to bring this case as a class action?

25

1       1           A.       I do.

2       2           Q.       Do you know what a class action is?

3       3           A.       I do.

4       4           Q.       What is a class action?

5       5           MR. TUSA: I am just going to counsel you  
6       6       here to not divulge the content of communications  
7       7       with your attorneys. If you can otherwise  
8       8       answer, you may.

9       9           BY THE WITNESS:

10      10          A.       A class action where several people  
11      11       are -- I can't put it in any kind of legal or  
12      12       lawyer terms, but there are -- a class action  
13      13       means there are a bunch of people who have the  
14      14       same problem or -- class action, I can't really  
15      15       put it into words, Michael.

16      16                I just know it's people all that have  
17      17       been harmed in some way or something has been  
18      18       done to one, has been done to all, and they or  
19      19       their attorneys or someone gets together to make  
20      20       it right somehow through legal action. That's my  
21      21       version of it.

22      22          BY MR. LEIB:

23      23          Q.       Do you know what your role is in this  
24      24       litigation?

25

1           A.     I am one of many -- I am guessing I am  
2     one of many, and I will just speak the truth and  
3     just -- you know, as much as I can in my own  
4     words. That's the only thing I can do, and  
5     others will follow if they -- others have  
6     probably already begun this process. I am just  
7     one person, but there are many, many others that  
8     would have the same issue. That's what a class  
9     action is.

10          Q.     I am now not asking you what a class  
11     action is.

12          A.     I know.

13          Q.     I am asking specifically what your  
14     role in this litigation is.

15                     Do you know what your role in this  
16     litigation is?

17          A.     Well, I am here again -- I am here to  
18     bring Walgreens to task, if you will, and I  
19     simply wonder why they are charging -- speaking  
20     of myself as an individual, why they are charging  
21     me more than they are charging others. Other  
22     people have no insurance. I am paying more. Why  
23     is that, and why every single time? I am  
24     curious.

25

1       1           Q.     Do you know what the phrase class  
2       2       representative means?

3       3           A.     Yes, it's not even a guess. It sounds  
4       4       like I am one of many or represented one of many.  
5       5       Is that correct or no?

6       6           Q.     Fortunately the way this works is I  
7       7       ask you questions. You don't get to ask me  
8       8       questions.

9       9           A.     Well, there you go.

10      10          Q.     Did anyone ever tell you what it means  
11      11       to be a class representative?

12      12          MR. TUSA: I will let you answer yes or no.

13      13       BY THE WITNESS:

14      14          A.     Yes, and you want me to remember what  
15      15       was said?

16      16       BY MR. LEIB:

17      17          Q.     I want you to just tell me what you  
18      18       understand your role as class representative is.

19      19          A.     I thought I had. It may not sound as  
20      20       good as it should, but I am one -- if I am  
21      21       representing a class, it's like others standing  
22      22       on my shoulders perhaps. I don't know. It's  
23      23       part of that. I am just not saying it correctly.

24      24          Q.     You understand that you are a class  
25

1       1       representative, correct?

2       2           A.       Yes. Oh, sorry, that was a little --

3       3           Q.       Do you understand your obligations as  
4       4       a class representative?

5       5           A.       I believe I do.

6       6           Q.       What do you understand your  
7       7       obligations are as a class representative?

8       8           A.       To appear here, to appear if this goes  
9       9       to trial, to talk with my attorneys. I don't  
10      10      know what else to say there, Michael. I hope you  
11      11      are turning the page.

12     12           Q.       Do you understand what your financial  
13     13      obligations are as a class representative?

14     14           MR. TUSA: Again, I will let you answer yes  
15     15      or no.

16     16      BY THE WITNESS:

17     17           A.       No, no.

18     18           MR. TUSA: I don't know that he is using  
19     19      that anymore.

20     20      BY MR. LEIB:

21     21           Q.       We will probably be looking at that  
22     22      later. So keep it by your side.

23     23                   Are you paying for your plane ticket  
24     24      here?

25

1 1 BY THE WITNESS:

2 2 A. I don't recall.

3 3 BY MR. LEIB:

4 4 Q. Do you recall approximately how long  
5 5 ago it was?

6 6 A. I don't.

7 7 Q. How often do you speak with your  
8 8 counsel?

9 9 A. I don't -- I don't recall that.  
10 10 Speaking, emailing, or one or the same?

11 11 Q. Let's include email. When was the  
12 12 last time you had -- strike that.

13 13 A. Okay.

14 14 Q. Other than anything relating to this  
15 15 deposition, scheduling the deposition, preparing  
16 16 for the deposition, when was the last time you  
17 17 communicated with your counsel in any way?

18 18 A. I don't remember that, Michael. That  
19 19 would be in records in my email file, but I don't  
20 20 remember.

21 21 Q. How often do you communicate with your  
22 22 counsel in any form?

23 23 A. Well, this week every day and a lot,  
24 24 but prior to this, again, I reiterate we have  
25

1       1     been in touch, but usually it's easier for  
2       2     everyone by email, but I don't recall when the  
3       3     last one was received or what it was even about.

4       4           Q.     Have you discussed strategy of the  
5       5     case with your counsel?

6       6                   And, again, I am not asking for the  
7       7     substance of the communication, but have you  
8       8     discussed strategy of the case with your counsel?

9       9           MR. TUSA:  Objection to form, but you may  
10      10    answer.

11     11    BY THE WITNESS:

12     12           A.     Yes.

13     13    BY MR. LEIB:

14     14           Q.     Have you discussed legal tactics?

15     15           A.     What does that mean legal tactics?

16     16           Q.     Things that the lawyers might do in  
17     17    this lawsuit.

18     18           MR. TUSA:  Objection to form.  You may  
19     19    answer.

20     20    BY THE WITNESS:

21     21           A.     I don't think of it as that, but we  
22     22    have talked about the case, yes.

23     23    BY MR. LEIB:

24     24           Q.     I am separating out things like  
25



1       1     talking about collecting documents or scheduling  
2       2     a deposition. Other than talking about  
3       3     collecting documents and scheduling a deposition  
4       4     and preparing for the deposition, between the  
5       5     time that this first complaint was filed, have  
6       6     you had communications with your client -- with  
7       7     your counsel?

8       8           A.     From this point?

9       9           Q.     From the time that the complaint was  
10      10     filed until today.

11      11           MR. TUSA: You mean the first amended?

12      12           MR. LEIB: Uh-huh.

13      13           MR. TUSA: Okay.

14      14     BY THE WITNESS:

15      15           A.     I don't recall. Why are these the  
16      16     same dates?

17      17     BY MR. LEIB:

18      18           Q.     Do you recall -- you can put those  
19      19     documents aside for now.

20      20           A.     Oh, never mind, okay, yes.

21      21           Q.     Do you recall when you first met  
22      22     counsel?

23      23           MR. TUSA: Objection to form.

24      24

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CERTIFICATE

OF

CERTIFIED SHORTHAND REPORTER

I, ANDREA L. KIM, a State of Illinois  
Licensed Certified Shorthand Reporter, License  
number 84-3722, do hereby certify:

That previous to the commencement of  
the examination of the aforesaid witness, the  
witness was duly sworn or affirmed to testify the  
whole truth concerning the matters herein;

That the foregoing deposition  
transcript was reported stenographically by me,  
was thereafter reduced to typewriting under my  
personal direction and constitutes a true and  
accurate record of the testimony given and the  
proceedings had at the aforesaid deposition;

That the said deposition was taken  
before me at the time and place specified;

That I am not a relative or employee  
or attorney or counsel for any of the parties  
herein, nor a relative or employee of such  
attorney or counsel for any of the parties

1       1       hereto, nor am I interested directly or  
2       2       indirectly in the outcome of this action.

3       3

4       4                   IN WITNESS WHEREOF, I do hereunto set  
5       5       my hand and affix my seal of office at Chicago,  
6       6       Illinois, this 15th day of February, 2019.

7       7

8       8

9       9

10      10

11      11

A handwritten signature in cursive script that reads "Andrea L. Kim".

12      12

ANDREA L. KIM, CSR

13      13

License No. 84-3722.

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